

Notice of Allowability

Application No.

09/829,792

Examiner

Hussein A. El-chanti

Applicant(s)

DECKER ET AL.

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/16/2007.
2. ☒ The allowed claim(s) is/are 1-5 and 7-13.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

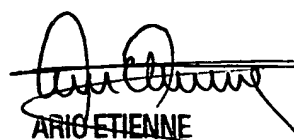
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


ARIS ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

EXAMINER'S AMENDMENT

1. This action is responsive to response received on Feb. 16, 2007.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Kerry Sisselman on March 26, 2007.
4. The application has been amended as follows:

Claim 1 (currently amended) A method of transmitting data with real-time requirement and data without real-time requirement, which comprises:

providing a plurality of first quality of service classes in an application layer for transmitting first data with real-time requirement and a plurality of second quality of service classes in the application layer for transmitting second data without real-time requirement, said first data with real-time requirement being of a different type from said second data without real-time requirement;

selecting a combined quality of service class formed from the first quality of service classes and the second quality of service classes in the application layer, each combined quality of service class being allocated transmission parameters specifying a transmission of the first data and the second data; and

supplying the first data and the second data and the transmission parameters of the selected combined quality of service class to a unit of a transport layer, and

transmitting the first data and the second data with the unit taking into consideration the transmission parameters;

wherein selecting the combined quality of service class comprises:

a) selecting a combined quality of service class having the first quality of service class with a highest first priority and the second quality of service class with a highest second priority;

b) checking whether a coder to be used can transmit the first data and the second data according to the transmission parameters of the respective combined quality of service class and available bandwidth;

c) if the checking step results in an affirmative answer, selecting the combined quality of service class;

d) if the checking step does not result in an affirmative answer, selecting a further combined quality of service class such that in each case the combined quality of service class with reduced second priority is selected; and

e) iteratively performing steps b) and d) until the coder can transmit the first data and the second data in accordance with transmission parameters of the respective combined quality of service class.

Claim 6: canceled

Claim 8 (currently amended) A communication device for transmitting first data with real-time requirement and second data without real-time requirement, the first data with real-time requirement being of a different type from the second data without real-time requirement, wherein a plurality of first quality of service classes are provided in an

application layer for transmitting the first data and a plurality of second quality of service classes are provided in the application layer for transmitting the second data, the device comprising:

a processor programmed to selecting a combined quality of service class formed from the first quality of service classes for the first data of a first type with real-time requirement and the second quality of service classes for the second data of a second type different from said first type, said second data without real-time requirement, in the application layer, each combined quality of service class being allocated transmission parameters specifying a transmission of the first data and the second data; ~~and~~

wherein selecting the combined quality of service class comprises:

a) selecting a combined quality of service class having the first quality of service class with a highest first priority and the second quality of service class with a highest second priority;

b) checking whether a coder to be used can transmit the first data and the second data according to the transmission parameters of the respective combined quality of service class and available bandwidth;

c) if the checking step results in an affirmative answer, selecting the combined quality of service class;

d) if the checking step does not result in an affirmative answer, selecting a further combined quality of service class such that in each case the combined quality of service class with reduced second priority is selected; and

e) iteratively performing steps b) and d) until the coder can transmit the first data and the second data in accordance with transmission parameters of the respective combined quality of service class; and

a transmission unit of a transport layer receiving from said processor the first data and the second data and the transmission parameters of the selected combined quality of service class, and transmitting the first data and the second data taking into consideration the transmission parameters.

5. Claims 1-5 and 7-13 are allowed.

6. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach neither singly or in combination the limitation "electing a combined quality of service class formed from the first quality of service classes for the first data of a first type with real-time requirement and the second quality of service classes for the second data of a second type different from said first type, said second data without real-time requirement, in the application layer wherein selecting the combined quality of service class comprises the steps (a-e)" as in claims 1-5 and 7-13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hussein El-chanti

March 26, 2007


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SUPERVISORY PATENT EXAMINER